

**Introduced by Senator Johannessen**February 23, 2001

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An act to amend Sections 27150.2, 27150.7, and 27200 of, to repeal Sections 27150.1, 27150.4, 27150.6, 27150.8, and 27206 of, and to repeal and add Section 27150.3 of, the Vehicle Code, relating to vehicles.

## LEGISLATIVE COUNSEL'S DIGEST

SB 1081, as introduced, Johannessen. Exhaust and muffler systems.

(1) Existing law requires the Commissioner of the California Highway Patrol, following the conduct of a specified study, to adopt regulations setting standards for the certification of exhaust systems. Existing law prohibits persons from engaging in the business of selling and installing exhaust systems, parts, or mufflers unless the person meets those specified regulations and standards adopted by the commissioner. Existing law requires the regulations to include provisions regarding the licensing of stations to implement the regulations.

This bill would delete the provisions relating to the study and the prohibition against engaging in the business of selling and installing exhaust systems, parts, and mufflers unless the system or parts meet the standards, and would require the Chief of the Bureau of Automotive Repair in the Department of Consumer Affairs, instead of the commissioner, to adopt revised regulations setting standards for the certification of vehicle exhaust systems including standards for exhaust systems for all motor vehicles, other than motorcycles, with a manufacturer's gross vehicle weight rating of less than 6,000 pounds



that do not exceed a sound reading of 95 dba. The bill would repeal existing, conflicting noise limits.

This bill would codify existing regulations of the Department of the California Highway Patrol regarding the noise limits testing of motor vehicles, other than motorcycles, and would require the Chief of the Bureau of Automotive Repair in the Department of Consumer Affairs to adopt regulations implementing these testing standards.

(2) Existing law requires the Department of the California Highway Patrol to obtain federal assistance to carry out statutes relating to exhaust and muffler systems.

This bill would delete that requirement.

(3) Under existing law, a court is allowed to dismiss any action against a person who is prosecuted for operating a vehicle in violation of certain statutory noise limits under specified circumstances.

This bill would extend that authorization to persons who are being prosecuted for certain muffler or fuel cap violations under the same specified circumstances.

(4) Existing law requires the manufacturers of motorcycles and motorcycle accessories, prior to the sale or offering for sale of any motorcycle exhaust system or part, to certify to the Department of the California Highway Patrol that the exhaust system or part is in compliance with the standards and regulations adopted by the Commissioner of the California Highway Patrol, as specified.

This bill would delete these requirements.

The bill would make related changes regarding the registration of motor vehicles by the Department of Motor Vehicles.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 27150.1 of the Vehicle Code is repealed.  
2 ~~27150.1. On and after the effective date of regulations and~~  
3 ~~standards adopted by the commissioner pursuant to Section~~  
4 ~~27150.2, no person engaged in a business which involves the~~  
5 ~~selling of motor vehicle exhaust systems, or parts thereof,~~  
6 ~~including, but not limited to, mufflers, shall offer for sale, sell, or~~  
7 ~~install, a motor vehicle exhaust system, or part thereof, including,~~  
8 ~~but not limited to, a muffler, unless it meets such regulations and~~  
9 ~~standards.~~

~~A violation of this section shall constitute a misdemeanor.~~

SEC. 2. Section 27150.2 of the Vehicle Code is amended to read:

27150.2. ~~The commissioner~~ *Chief of the Bureau of Automotive Repair in the Department of Consumer Affairs* shall, ~~after the study required by Section 27150.3, and after public hearings,~~ adopt regulations setting standards for the certification of vehicular exhaust systems ~~based solely upon noise standards consistent with the total vehicle noise levels set by Sections 23130 and 23130.5.~~ *Such* The regulations shall include, but need not be limited to:

(a) ~~Provisions,~~ provisions for standards for vehicular exhaust systems, based on manufacturers' data and subject to ~~such~~ *those* inspections and other verification as the ~~commissioner~~ *chief* may prescribe. *The inspection and verification shall be performed by bureau-designated referee stations.*

(b) ~~Provisions for the licensing of stations to implement the provisions of this section, and Section 27150.1, and for the denial, revocation, or suspension of any license for failure to comply with the provisions of this section or any regulation adopted thereunder.~~

The regulations may provide for the exemption of vehicular exhaust systems where compliance with the regulations would cause an unreasonable hardship without resulting in a sufficient corresponding benefit with respect to noise level control.

~~The regulations adopted pursuant to this section shall become effective one year after the regulations are filed with the Legislature pursuant to Section 27150.4.~~

SEC. 3. Section 27150.3 of the Vehicle Code is repealed.

~~27150.3. The commissioner shall conduct a study to determine the best means of implementing the requirements of Section 27150.1. The results of such study shall be filed with the Legislature and made available to the public as soon as practicable but not later than January 5, 1973.~~

SEC. 4. Section 27150.3 is added to the Vehicle Code, to read:

27150.3. (a) Exhaust systems for motor vehicles, other than motorcycles, with a manufacturer's gross vehicle weight rating of less than 6,000 pounds may not exceed a sound reading of 95 dba, and shall comply with the standards established pursuant to Section 27150.2 when tested in accordance with the following specifications:

(1) The vehicle under test shall be positioned either on outdoor pavement or on a shop floor and not over a hoist or pit in a location where the exhaust outlets are near an open shop door. No sound-reflecting surface, other than the pavement and the vehicle being measured, may be within 10 feet of any part of the vehicle.

(2) The microphone for the sound level meter shall be at the same height as the center of the exhaust outlet. The microphone may be no closer to the pavement than eight inches when the exhaust outlet is lower than this height. The microphone shall be positioned with its longitudinal axis parallel to the ground, between 19 and 21 inches from the nearest edge of the exhaust outlet, and at an angle between 35 to 55 degrees from the axis of the outlet. For exhaust outlets located under the vehicle body, the microphone shall be located at the specified angle and at least eight inches from the nearest part of the vehicle. For exhaust outlets that make an angle of 45 degrees or less with the longitudinal axis of the vehicle, the microphone shall be outboard of the exhaust axis. For exhaust outlet angles of more than 45 degrees the microphone shall be on the side of the exhaust axis to the rear of the vehicle.

(3) The engine shall be at normal running temperature with the transmission in neutral. Sound level measurements conducted for certification by exhaust system manufacturers shall be made at an average steady-state engine speed of three-quarters of maximum rpm. Sound level measurements conducted by licensed muffler certification stations shall be made at an average steady-state engine speed of 3,000 rpm for vehicles manufactured before 1972 for which the station does not have maximum rpm data.

(4) The recorded exhaust system sound level of a stationary vehicle shall be the highest reading obtained during the test, disregarding unrelated peaks due to extraneous ambient noise. When there is more than one exhaust outlet, the reported sound level shall be for the loudest outlet. When there are two or more exhaust outlets separated by less than 12 inches, measurements shall be made on the outlet closest to the side or rear of the vehicle.

(b) The Chief of the Bureau of Automotive Repair in the Department of Consumer Affairs shall develop regulations, including any necessary diagnosis, to implement this section.

SEC. 5. Section 27150.4 of the Vehicle Code is repealed.

~~27150.4.—The commissioner shall file the regulations adopted pursuant to Section 27150.2 with both houses of the Legislature~~

1 ~~not later than six months after the study is filed as specified in~~  
2 ~~Section 27150.3.~~

3 SEC. 6. Section 27150.6 of the Vehicle Code is repealed.

4 ~~27150.6. The department shall make every effort to obtain~~  
5 ~~federal assistance to carry out the provisions of Sections 27150.1,~~  
6 ~~27150.2, 27150.3, 27150.4, and 27150.5.~~

7 SEC. 7. Section 27150.7 of the Vehicle Code is amended to  
8 read:

9 27150.7. A court may dismiss any action in which a person is  
10 prosecuted for operating a vehicle in violation of ~~Sections~~ *Section*  
11 ~~23130 or, 23130.5, or 27150~~ if it is found that the vehicle was  
12 equipped with an exhaust system certified pursuant to Section  
13 27150.2 and that the defendant had reasonable grounds to believe  
14 that the exhaust system was in good working order and had  
15 reasonable grounds to believe that the vehicle was not operated in  
16 violation of ~~Sections~~ *Section* ~~23130 or, 23130.5, or 27150.~~

17 SEC. 8. Section 27150.8 of the Vehicle Code is repealed.

18 ~~27150.8. The manufacturers of motoreycles and motoreycle~~  
19 ~~accessories shall, prior to the sale or offering for sale of any~~  
20 ~~motorecycle exhaust system or part thereof, including, but not~~  
21 ~~limited to, a muffler, certify to the department that the exhaust~~  
22 ~~system or part thereof is in compliance with the standards and~~  
23 ~~regulations adopted by the commissioner which are applicable to~~  
24 ~~such exhaust systems or parts thereof and which are in effect at the~~  
25 ~~time of the first offering for sale at retail. The content and form of~~  
26 ~~the certification shall be in accordance with procedures adopted by~~  
27 ~~the commissioner.~~

28 SEC. 9. Section 27200 of the Vehicle Code is amended to  
29 read:

30 27200. (a) The Department of Motor Vehicles ~~shall~~ *may* not  
31 register on a dealer's report of sale a new motor vehicle, except an  
32 off-highway motor vehicle subject to identification as provided in  
33 Division 16.5 (commencing with Section 38000), ~~which that~~  
34 produces a maximum noise exceeding the applicable noise limit at  
35 a distance of 50 feet from the centerline of travel under test  
36 procedures established by the ~~Department of the California~~  
37 ~~Highway Patrol Bureau of Automotive Repair.~~

38 (b) The Department of Motor Vehicles may accept a dealer's  
39 certificate as proof of compliance with this article.

(c) Test procedures for compliance with this article shall be established by the ~~Department of the California Highway Patrol Bureau of Automotive Repair~~, taking into consideration the test procedures of the Society of Automotive Engineers.

(d) No person ~~shall~~ *may* sell or offer for sale a new motor vehicle, except an off-highway motor vehicle subject to identification as provided in Division 16.5 (commencing with Section 38000), ~~which~~ *that* produces a maximum noise exceeding the applicable noise limit specified in this article, and for which noise emission standards or regulations have not been adopted by the Administrator of the Environmental Protection Agency pursuant to the Noise Control Act of 1972 (P.L. 92-574).

(e) No person ~~shall~~ *may* sell or offer for sale a new motor vehicle, except an off-highway motor vehicle subject to identification as provided in Division 16.5 (commencing with Section 38000), ~~which~~ *that* produces noise that exceeds or in any way violates the noise emission standards or regulations adopted for such a motor vehicle by the Administrator of the Environmental Protection Agency pursuant to the Noise Control Act of 1972 (P.L. 92-574).

(f) As used in this section, the term “register” is equivalent to the term “licensing” as used in Section 6(e)(2) of the Noise Control Act of 1972 (P.L. 92-574; Title 42, United States Code, Section 4905(e)(2)).

SEC. 10. Section 27206 of the Vehicle Code is repealed.  
~~27206. For the purposes of Section 27200, the following noise limits shall apply to any other motor vehicle, not specified in this article, manufactured:~~

(1) After 1967, and before 1973 .....	86 dbA
(2) After 1972, and before 1975 .....	84 dbA
(3) After 1974 .....	80 dbA